

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 6, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance creating Jackson
Health System General
Obligation Bond Citizens'
Advisory Committee for
Purpose of advising the
County Commission, Public
Health Trust and Mayor
regarding Jackson Health
System's General Obligation
Bond Program

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 4-7-14 Health and Social Services Committee. This substitute differs from the original in that it amends Section 2-2131: (i) to add "Member(s)" as a defined term for reference to the nine (9) voting members of the Advisory Committee; (ii) to add two (2) non-voting, ex officio members to the Advisory Committee, those being a Commissioner appointed by the Chairperson of the Commission and a member of the Board of Trustees of the Public Health Trust appointed by the Chairperson of the Board of Trustees; and (iii) to add "Ex Officio Member(s)" as a defined term for reference to the two non-voting, ex officio members. Lastly, where applicable throughout the Ordinance, the word "member(s)" is replaced with the new defined term "Member(s)."

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: May 6, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in dark ink, appearing to read "Carlos A. Gimenez", written over the name in the 'From' field.

Subject: Ordinance creating Jackson Health System General Obligation Bond Citizens' Advisory Committee for purpose of advising the County Commission, Public Health Trust, and Mayor regarding Jackson Health System's General Obligation Bond Program; providing for purpose, powers and duties, composition and organization of board, and staff and counsel to support board; providing for qualifications and appointment of board members

The proposed ordinance amends Section 2-2129 of the Code allowing the creation of Jackson Health System General Obligation Bond Citizens' Advisory Committee. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in dark ink, appearing to read "Alina Hudak", written over the name in the signature line.

Alina Hudak
Deputy Mayor

Fis5514

Memorandum



Date: May 6, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the 'From' field.

Subject: Jackson Health System General Obligation Bond Citizens' Advisory Committee

Pursuant to Section 2-11.37 of the Miami-Dade County Code, the attached report provided by the President and Chief Executive Office of Jackson Health System, provides an overview of the guidelines of the proposed new board called the Jackson Health System General Obligation Bond Citizens' Advisory Committee (Committee). The Committee will be responsible for advising the public and elected leaders about Jackson's General Obligation Program, which was approved by voters in November 2013.

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over the name in the signature block.

Alina T. Hudak
Deputy Mayor



TO: Honorable Carlos A. Gimenez
Mayor

FROM: Carlos A. Migoya
President & Chief Executive Officer

DATE: March 20, 2014

RE: Jackson Health System General Obligation Bond Citizens' Advisory Committee

On February 19th 2014, the Board of County Commissioners, (BCC), passed on first reading an ordinance creating the Jackson Health System General Obligation Bond (GOB) Citizens' Advisory Committee, which will be responsible for advising the public and elected leaders regarding Jackson's GOB program, which was approved by voters in November 2013.

We are in receipt of your recent memorandum which refers to the Miami-Dade County Mayor's obligation under Section 2-11.37 of the County Code to submit to the BCC, after passage on the first reading of an ordinance creating a new advisory board and prior to conducting the public hearing for said ordinance, a report setting forth information concerning the proposed new board. Please see the mandated questions and responses below.

1. *Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners' delegation of a portion of its authority;*

Jackson currently has direct oversight provided by the Public Health Trust Board of Trustees (Trust Board), which is itself subordinate to the BCC under the Code of Miami-Dade County. The Advisory Committee will enhance the work of the BCC and Trust Board by publicly reviewing and discussing:

- The use of bond program funds in Jackson's capital program;
- The bond program's contribution to completion of Jackson's capital projects funded in whole or in part by the GOB;
- Performance and program achievements related to the bond program ;
- Citizen outreach efforts relating to GOB-funded capital projects; and
- Preparation of regular reports describing the progress of the bond program.
- Additionally, a member of the Advisory Committee shall be strategically connected to the Trust Board by participating in monthly meetings of the Trust Board committee with jurisdiction over facilities and construction.

2. *Whether another board or agency, either public or private, which is already in existence, could serve the same purpose;*

No other board or agency in existence could serve the same purpose as the Advisory Committee.

3. *The costs, both direct and indirect, of establishing and maintaining the board;*

The establishment and maintenance of the Advisory Committee would not result in any additional costs, as existing Jackson staff can administer the creation and support of the Advisory Committee, and existing Jackson facilities are sufficient for holding Advisory Committee meetings.

4. *Whether the board is necessary to enable the County to obtain State or federal grants or other financing;*

The Advisory Committee is not necessary to enable the County to obtain any state or federal financing.

5. *Whether the board should have a bonding authority;*

The Advisory Committee should not have a bonding authority.

6. *Whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board of County Commissioners;*

The Advisory Committee should not have final authority to enter into contracts and spend county funds.

7. *Whether the creation of a new board is the best method of achieving the desired benefit.*

The creation of the Advisory Committee is the best method of achieving the desired result.

If you have any questions, please do not hesitate to contact me.

c: Alina Hudak, Deputy Mayor




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 6, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)

5-6-14

ORDINANCE NO. _____

ORDINANCE CREATING JACKSON HEALTH SYSTEM GENERAL OBLIGATION BOND CITIZENS' ADVISORY COMMITTEE FOR PURPOSE OF ADVISING THE COUNTY COMMISSION, PUBLIC HEALTH TRUST, AND MAYOR REGARDING JACKSON HEALTH SYSTEM'S GENERAL OBLIGATION BOND PROGRAM; PROVIDING FOR PURPOSE, POWERS AND DUTIES, COMPOSITION AND ORGANIZATION OF BOARD, AND STAFF AND COUNSEL TO SUPPORT BOARD; PROVIDING FOR QUALIFICATIONS AND APPOINTMENT OF BOARD MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. To support the Jackson Health System's General Obligation Bond Program as approved by the electorate on November 5, 2013, Chapter 2, Article CXLIV of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 2-2129. Creation of Jackson Health System General Obligation Bond Citizens' Advisory Committee.

There is hereby created and established pursuant to the Home Rule Amendment and Charter of Miami-Dade County, as amended, an advisory board of Miami-Dade County to be known as the Jackson Health System General Obligation Bond Citizens' Advisory Committee (hereinafter the "Advisory Committee"). The Advisory Committee is established solely for the purpose of advising the Board of County Commissioners ("County Commission"), the Public Health Trust, and the County Mayor ("Mayor") regarding Jackson Health System's general obligation bond program (the "Bond Program"). The Advisory Committee may exercise only those duties specifically granted in this article or necessary in the exercise of the duties enumerated in this article.

Sec. 2-2130. Powers and Duties of Advisory Committee.

The Advisory Committee shall have the following powers, duties, responsibilities and functions:

- (a) To review and monitor performance and program achievements related to the Bond Program; and
- (b) To periodically advise the County Commission, the Public Health Trust and the Mayor, and assist in informing the community, of the Bond Program's accomplishments regarding completion of Jackson Health System capital projects funded in whole or in part by the Bond Program; and
- (c) To review recommendations of the Public Health Trust on the use of any Bond Program funds to fund Jackson Health System capital projects, including those set forth in informational pamphlets and media releases distributed by the County and/or the Public Health Trust to the public prior to said November 5, 2013 election; and
- (d) To participate, along with Public Health Trust staff, in citizen outreach efforts relating to the development of Jackson Health System capital projects funded in whole or in part with Bond Program funds; and
- (e) To assist in the preparation of quarterly reports to the County Commission and Mayor describing the progress of the Bond Program and to periodically provide advice, by either written resolution or oral presentation, as may be requested by the County Commission, the Public Health Trust or the Mayor in accordance with the terms of this section; and
- (f) To appoint an Advisory Committee member to participate in monthly meetings of the Public Health Trust governing board committee with jurisdiction over facilities and construction; and
- (g) To promulgate rules consistent with this article for the conduct of its meetings and the discharge of its responsibilities; provided, however, the Advisory Committee shall not create or establish any subcommittees to address the work of the Advisory Committee; and

- (h) To comply with the laws and regulations of the United States, the State of Florida, and Miami-Dade County, including, but not limited to, the laws relating to the keeping of records including the preservation of all audit rights.

Sec. 2-2131. Governing Committee.

- (a) ***Composition and appointment.*** The Advisory Committee shall consist of nine (9) voting members >>(“Member(s)”) and two (2) non-voting, ex officio members (“Ex Officio Member(s)”)<<¹ appointed as follows:

- (1) Five (5) >>Members<<[[~~members~~]] shall be appointed by resolution of the County Commission after having been selected by the County Commission from persons nominated by the Public Health Trust Nominating Council, as established and described in Section 25A-3(d) of the County Code. The Nominating Council shall submit to the County Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each County Commission selected vacancy on the Advisory Committee plus, in the discretion of the Nominating Council, up to two (2) additional nominees for each County Commission selected vacancy. Each nominee for a particular vacancy shall have the profession or professional experience required for that vacancy by subsection (a)(2) hereof. The County Commission shall select and appoint its five (5) Advisory Committee >>Members<<[[~~members~~]] from the list of nominees who meet the qualifications in the succeeding paragraph (b) submitted by the Nominating Council. The Nominating Council shall select each nominee by individual majority vote. In the event of a tie vote, the candidate shall not be designated as a nominee.

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

- (2) Each Advisory Committee >>Member<<[[member]] shall have an outstanding reputation for professional ability with substantial professional accomplishment and shall hold a senior or prominent position in his/her field. The Advisory Committee shall include at least: one (1) >>>Member<<[[member]] with experience in the medical or health care field; one (1) >>Member<<[[member]] shall be a professional engineer; one (1) >>Member<<[[member]] shall be a Florida certified public accountant; one (1) >>Member<<[[member]] shall be a Florida Bar admitted attorney; one (1) >>Member<<[[member]] with experience in real estate development; one (1) >>Member<<[[member]] with experience in finance; one (1) >>Member<<[[member]] with managerial experience; one (1) >>Member<<[[member]] with experience in the emergency medical services field; and one (1) >>Member<<[[member]] shall be a professional architect.
- (3) The County Commission may ratify appointment of the remaining four (4) Advisory Committee >>Members<<[[members]] as follows: the >>Member<<[[member]] of the Advisory Committee experienced in finance shall be designated by the President of the Miami-Dade County League of Cities in writing, and a copy thereof shall be filed with the Clerk of the County Commission; the >>Member<<[[member]] of the Advisory Committee with managerial experience shall be designated by the Mayor in writing, and a copy thereof shall be filed with the Clerk of the County Commission; the Florida Bar admitted attorney >>Member<<[[member]] of the Advisory Committee shall be designated by the Chairperson of the Miami-Dade Legislative Delegation in writing, and a copy thereof shall be filed with the Clerk of the County Commission; and the >>Member<<[[member]] of the Advisory Committee with experience in the medical or health care field shall be designated by a representative of the Jackson Health System labor unions in writing, and a copy thereof shall be filed with the Clerk of the County Commission.

- (4) When making a selection, the County Commission shall consider that the Advisory Committee as a whole should generally reflect the geographic, gender, racial, ethnic or cultural make-up of the community.

>>(5) The two (2) Ex Officio Members shall be appointed as follows: A Commissioner who shall be appointed by the Chairperson of the County Commission; and a member of the Board of Trustees of the Public Health Trust who shall be appointed by the Chairperson of the Board of Trustees.<<

- (b) **Qualifications.** Each >>Member<<[[member]] of the Advisory Committee shall (i) be a United States citizen, a permanent resident and duly qualified elector of Miami-Dade County, (ii) have an outstanding reputation for civic pride, integrity, responsibility and community service, (iii) comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County; and (iv) have no financial interest, direct or indirect, in any of the capital projects that are to be funded by the Bond Program. The following persons shall not serve as >>Members<<[[members]] of the Advisory Committee: elected officials; persons whose livelihood or their immediate family member's livelihood depends on the area administered or dealt with by the Advisory Committee; or County officers. Immediate family means and shall have the definition set forth in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Miami-Dade County, Florida. Before taking any official action, each voting >>Member<<[[member]] shall take the prescribed oath of office.

- (c) **Term.** Three (3) of the County Commission appointments to the Advisory Committee shall be for an initial term which begins on the day of appointment and expires three (3) years from such appointment date. Two (2) of the County Commission appointments to the Advisory Committee shall be for an initial term which begins on the day of appointment and expires one (1) year from such appointment date. The designees of the President of the Miami-Dade County League of Cities, the Mayor, the Chairperson of the Miami-Dade Legislative Delegation and the representative of the Jackson Health System labor unions shall be for initial terms which begin on the day of

appointment and expire two (2) years from such appointment date, provided further that such terms shall each be coterminous with that of the designating official as set forth in (ii) below. The term of any Advisory Committee >>Member<<[[member]] appointed or re-appointed pursuant to this article after the initial terms shall be for a term of three (3) years each. The foregoing notwithstanding, (i) the term of any Advisory Committee >>Member<<[[member]] appointed or re-appointed pursuant to this article shall be subject to automatic expiration as provided in Section 2-11.38.2 of this Code and (ii) the term of any Advisory Committee >>Member<<[[member]] designated by the President of the Miami-Dade County League of Cities, the Mayor, the Chairperson of the Miami-Dade Legislative Delegation, or the representative of the Jackson Health System labor unions shall expire when the designating official's term of office expires or the designating official leaves office and until the successor official replaces the designee. Each Advisory Committee >>Member<<[[member]] shall be permitted to serve no more than two (2) consecutive and complete terms of three (3) years each, and, in no event, more than the maximum number of years provided in Section 2-11.38.2 of this Code.

- (d) **Vacancies.** The President of the Miami-Dade County League of Cities, the Mayor, the Chairperson of the Miami-Dade Legislative Delegation, and the representative of the Jackson Health System labor unions shall designate a new representative qualified pursuant to paragraph (b) to serve on the Advisory Committee within sixty (60) days of taking office and shall fill vacancies by designating a new representative qualified pursuant to paragraph (b) within sixty (60) days after an appointee resigns or is removed. In the event of a vacancy during the term of a County Commission designated >>Member<<[[member]] of the Advisory Committee, the Advisory Committee shall notify the County Commission of the vacancy and shall request that a special meeting of the Public Health Trust Nominating Council be convened within ninety (90) days of the vacancy notification in order to designate at least two nominees qualified pursuant to paragraph (b). The County Commission shall fill the Advisory Committee vacancy by designating a new representative from the nominees presented by the Nominating Council within one hundred eighty (180) days after the special meeting of the Nominating Council.

- (e) ***Unexcused Absences.*** Any Advisory Committee >>Member<<[[member]] shall be automatically removed if, in a given calendar year, he/she (i) incurs two (2) unexcused absences from Advisory Committee meetings; or (ii) is absent from three (3) consecutive Advisory Committee meetings; or (iii) is absent from more than fifty percent (50%) of all the Advisory Committee meetings. A >>Member<<[[member]] shall be deemed absent when he/she is not present at the meeting for at least seventy-five percent (75%) of its duration.
- (f) ***Applicability of Conflict of Interest and Code of Ethics Ordinance.*** The Conflict of Interest Ordinance shall be applicable to the >>Members<<[[members]] of the Advisory Committee. Moreover, neither >>Members<<[[members]] of the Advisory Committee nor their employers nor corporations in which they hold an ownership stake may obtain, seek or bid on projects at Public Health Trust Designated Facilities, whether funded by the Bond Program or other sources, during the Advisory Committee >>Member's<<[[member's]] term on the Advisory Committee or for two (2) years after said individual leaves Advisory Committee membership. Members of the Advisory Committee may not lobby members of the Public Health Trust Board of Trustees or Jackson Health System employees during service on the Advisory Committee. It is declared to be the intent of the County Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Advisory Committee >>Members<<[[members]] on the basis of interests relating to Miami-Dade County when such interests do not conflict with the matters administered or dealt with by the Advisory Committee or the Public Health Trust.
- (g) ***Organization and Procedure.*** The Advisory Committee shall elect one (1) of its >>Members<<[[members]] as chairperson and one (1) of its >>Members<<[[members]] as vice-chairperson and both shall serve as officers for a term of two (2) years. The >>Members<<[[members]] shall also elect such other officers as the >>Members<<[[members]] may determine to be necessary and such officers shall also serve a term of two (2) years. The Advisory Committee shall hold regular meetings no less than four (4) times per calendar year and such other meetings as it deems necessary. A majority of the appointed >>Members<<[[members]] of the Advisory

Committee shall constitute a quorum. All meetings of the Advisory Committee shall be public and the Advisory Committee shall maintain written minutes of all proceedings that shall be promptly prepared and recorded by the Clerk of the Public Health Trust Board of Trustees. Copies of all minutes and resolutions of the Advisory Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Advisory Committee.

- (h) **Compensation.** Members of the Advisory Committee shall serve without compensation.

Sec. 2-2132. Staff Support and Counsel.

The Public Health Trust shall provide the Advisory Committee with adequate staff to perform its powers and duties. The Advisory Committee shall utilize the County Attorney's Office for legal services. The Public Health Trust shall make all Advisory Committee meeting agenda, meeting minutes and reports available to the public electronically.

Sec. 2-2133. Modifications and Term.

It is the intent of the County Commission to create by this article and for the purposes set forth in this article an Advisory Committee that may be modified or revoked in whole or in part by duly enacted ordinance of the County Commission.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance shall stand repealed ten (10) years from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Eugene Shy, Jr.
Geri Bonzon-Keenan

Prime Sponsor: Commissioner Audrey M. Edmonson